

### **Accountability Report Transmittal Form**

Agency Name: South Carolina Commission on Prosecution Coordination

Date of Submission Monday, September 15, 2008

Agency Director William D. Bilton, Executive Director

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STATE OF SOUTH CAROLINA  
**Commission on Prosecution Coordination**



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INTERVENTION PROGRAM

LINDA M. MACON  
SIXTH JUDICIAL CIRCUIT  
VICTIM WITNESS ASSISTANCE  
ADVOCATE

September 15, 2008

Mr. Les Boles, Director  
Office of State Budget  
1201 Main Street, Suite 870  
Columbia, South Carolina 29201

**RE: FY 2007/08 Accountability Report - Letter of Transmittal**

Dear Mr. Boles:

Please accept the following letter of transmittal of the FY 2007/08 Accountability Report for the SC Commission on Prosecution Coordination. Should you have questions regarding this report please contact:

The Honorable Harold W. Gowdy, Chairman  
Solicitor, Seventh Judicial Circuit  
180 Magnolia Street  
Spartanburg County Courthouse  
Spartanburg, South Carolina 29306  
Telephone No.: 864-596-2575  
Fax No.: 864-596-2959

William D. Bilton, Executive Director  
SC Commission on Prosecution Coordination  
P. O. Box 11561  
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Telephone No.: (803) 343-0765  
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The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the SC Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pre-Trial Intervention Program, a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor.

The primary clientele served by this agency are the sixteen Judicial Circuit Solicitors, the deputy solicitors and assistant solicitors throughout the State, the sixteen Judicial Circuit

Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention programs representing the forty-six (46) counties of this State, and those Solicitor-based investigators.

The Commission has the following duties:

1. Coordinate all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices;
2. Submit the budgets of the Solicitors and their affiliate services to the General Assembly;
3. Encourage and develop legal education programs and training programs for Solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving Solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State; and
4. Provide blank indictments for the Circuit Solicitors.

The Commission determined that these statutory duties proscribe the agency's mission and objectives. It is against these statutory requirements that the agency measures its performance.

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,



William D. Bilton

Enclosures

## **South Carolina Commission on Prosecution Coordination**

### **Section I.**

#### **Executive Summary**

The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State. The increase of criminal cases in both the General Sessions and Family Courts challenge the agency in fulfilling its statutory obligations. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the SC Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pre-Trial Intervention Program (PTI), a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor.

#### **1. Mission Statement:**

The SC Commission on Prosecution Coordination (SCCPC) coordinates all administrative functions of the offices of the Solicitors and affiliate services to include submission of the budgets, developing and providing both legal education and training programs, and serving as a clearinghouse and distribution source for publications involving Solicitors and affiliate services, provide blank indictments, and assists the Solicitors in establishing and maintaining a pretrial intervention program in each judicial circuit.

#### **2. Major Achievements from FY 2007/08**

The Commission's major achievements from the past year are listed below.

- Two (4) DUI training seminars which provided continuing legal education (CLE) credits for prosecutors, continuing law enforcement (CLEE) credits for officers, and Judicial Continuing Legal Education (JCLE) for judges
- Three (3) publications of *Behind the Wheel*, a DUI newsletter
- Six (6) Highway Patrol training
- Two (2) victim/witness assistance advocates training programs
- One (1) Child Abuse Prosecution training program
- Two (2) PTI training programs
- PTI software update during FY 07/08
- State PTI Office processed approximately 14,000 applicants for participation in local PTI programs
- One (1) Child Abuse Prosecution publication
- Approximately 55 child sexual abuse cases were reviewed by the agency resulting in either consultations or criminal prosecutions
- Prepared and submitted statistics to the General Assembly regarding CDV and DUI prosecutions
- One (1) CDV training for prosecutors, law enforcement and summary court judges

- Co-sponsored one (1) Spring and one (1) Fall Training Conferences with the SC Solicitors' Association
- Maintain the *Prosecutor's Deskbook*
- Six (6) issues of *The Prosecutor Report*, a monthly newsletter containing summaries and excerpts from the published opinions issued the previous month by the South Carolina Appellate Courts and the United States Supreme Court, were distributed to the Office of Solicitor.
- One (1) issue of *The Higher Standard*, a quarterly newsletter focusing on advocacy, investigative, legal, and prosecution issues and trends, was distributed to the Office of Solicitor.

### **3. Key Strategic Goals for the Present and Future Years**

- Developing and installing a Solicitors' Case Management System in each Judicial Circuit Solicitor's Office
- Solicitors' Victim/Witness Assistance Advocate Funding
- Alcohol Education Programs in the Judicial Circuit Solicitors' Offices by July 1, 2008 with a centralized database for participation in the programs.
- Develop and install an Alcohol Education Program (AEP) software program between Office of Solicitor and SLED
- Drug Treatment Courts in the Judicial Circuit Solicitors' Offices
- Develop and install software for the purpose of connectivity between the Solicitors' Case Management System and SLED as it relates to PTI data
- Criminal Domestic Violence Prosecutors in each Judicial Circuit Solicitors' Offices with appropriate funding
- Driving Under the Influence Prosecutors in each Judicial Circuit Solicitors' Offices with appropriate funding
- Approximately 107 child sexual abuse cases were reviewed by the agency resulting in either consultations or criminal prosecutions
- Assistant Solicitors participation in the Police Officers Retirement System
- Sponsor 4 DUI trainings for prosecutors, law enforcement officers and judges
- Sponsor 1 CDV training for prosecutors, law enforcement officers and judges
- Sponsor 1 day trainings for staff of the educational, intervention and support services within the Office of Solicitor
- Sponsor 2 CSC trainings for prosecutors
- Sponsor 2 Victim/Witness Assistance Advocate training
- Co-sponsor 1 Magistrates Intensive Training
- Co-sponsor the training programs of the SC Solicitors' Spring and Fall Conference
- **Fund the Child Victim/Witness Assistance Advocate position within the Commission on Prosecution Coordination**

### **4. Business Overview of the Opportunities and Barriers**

The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors

and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators.

## **5. How the Accountability Report is Used to Improve Organizational Performance**

The Accountability Report provides for strategic planning for the agency. It assists the Commission in determining long and short range goals, human resource needs, financial issues, and community based strategic challenges.

## **Section II. Organizational Profile:**

### **1. The Commission has the following duties:**

1. Coordinate all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices;
2. Submit the budgets of the Solicitors and their affiliate services to the General Assembly;
3. Encourage and develop legal education programs and training programs for Solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving Solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State; and
4. Provide blank indictments for the Circuit Solicitors.
5. Assist the Solicitors in maintaining a PTI program in each Judicial Circuit

### **2. Key Customers**

The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators.

### **3. Key Stakeholders**

Ultimately it is the citizens of the State of South Carolina; however, the primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators.

### **4. Key Suppliers and Partners:**

The key suppliers and partners are the sixteen Judicial Circuit Solicitors and their staff as well as the other criminal justice agencies.

### **5. Operating Location:**

The following **operation location** applies to the SC Commission on Prosecution Coordination:

1401 Main Street, Suite 825  
Post Office Box 11561 (29211-1561)  
Columbia, South Carolina (29201)  
Phone: (803) 343-0765  
Fax: (803) 343-0766  
E-mail: [wdbilton@cpc.sc.gov](mailto:wdbilton@cpc.sc.gov)

## **6. Employees (*all unclassified*)**

The Commission has a total of forty-two (42) full-time employees and one (1) part-time employee. There are sixteen (16) Judicial Circuit Solicitors who are elected by the public. Each Office of the Solicitor has sixteen (16) Administrative Assistants who are unclassified employees. In the Columbia Office there is employed (1) Executive Director; one (1) Deputy Director; one (1) Administrative Assistant to the Commission; one (1) State PTI Coordinator; one (1) Information Technology/Accountability Coordinator; one (1) Child Abuse Attorney; one (1) Education Coordinator; one (1) State Victim/Witness Assistance Coordinator (vacant); and, one (1) Traffic Safety Resource Prosecutor (federal); and, one (1) full-time TSRP Support Personnel (federal) who are all unclassified.

## **7. Regulatory Environment:**

Section 1-7-990 of the SC Code of Laws provides that the Commission on Prosecution Coordination may promulgate those regulations necessary to assist it in performing its required duties. The Commission has adopted training certification standards for personnel within the local Pretrial Intervention programs and the Victim/Witness Assistance Advocates programs.

## **8. Your Performance Improvement System(s):**

The key suppliers of criminal justice data and information to the Commission are the various law enforcement, correctional, rehabilitative, executive, legislative and judicial entities of the federal, state and local governments.

The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The pretrial intervention programs are governed by Sections 17-22-10 through 17-22-170 of the South Carolina Code of Laws. The following duties pertain to the Commission:

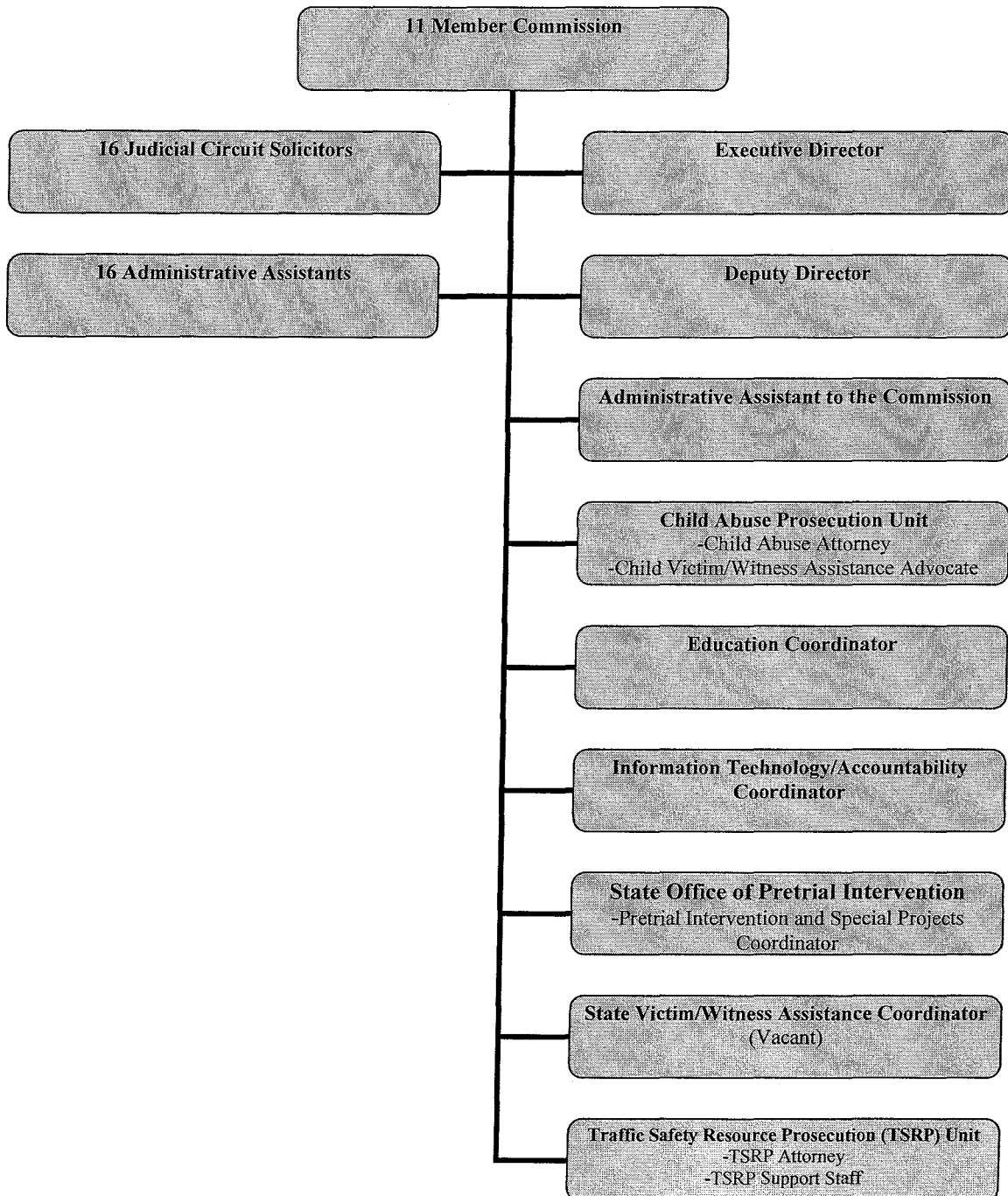
1. coordinates all administrative functions of the offices of the solicitors and any affiliate services;
  - a. coordination of prosecutorial issues with law enforcement entities
  - b. coordination of prosecutorial issues with judicial entities
  - c. coordination of prosecutorial issues with rehabilitation entities
  - d. coordination of prosecutorial issues with victim/witness assistance programs
  - e. coordination of prosecutorial issues with Pretrial Intervention Programs
  - f. coordination of prosecutorial issues with Alternative Programs
    - Drug Treatment Courts
    - Juvenile Arbitration
    - Community Advocacy Pilot Program
    - Pretrial Intervention Programs
2. the submission of the budgets of the solicitors and their affiliate services to the General Assembly;
  - a. preparation of the Budget Requests
  - b. preparation of the Detail Budget
  - c. preparation of the Annual Accountability Report



- d. preparation of Fiscal Impacts for the General Assembly
  - 3. providing both legal education and training programs;
    - a. accredited CLE training for Prosecutors
    - b. accredited JCLE training for Circuit, Family and Summary Court Judges
    - c. accredited CLEE training for Law Enforcement, Investigators And Coroners
    - d. accredited CEU training for Victim/Witness Assistance Advocates (VWAA)
    - e. accredited CEU training for Pretrial Intervention (PTI) personnel
  - 4. a source for the distribution of publications that impact solicitors' offices and affiliate services;
    - a. Training manuals for prosecutors, judges, law enforcement, investigators, coroners, VWAA, and PTI personnel
    - b. Legislative Update
    - c. *Behind the Wheel* newsletter publication
    - d. SC PTI and Juvenile Services State Data Directory
    - e. Victim/Witness Assistance Advocates Directory
    - f. National publications for highway safety issues, information technology, training programs,
    - g. "Grave Decisions" youth alcohol public awareness kit,
  - 5. a statewide prosecution unit for abuse and sexual assault cases involving child victims as both the primary and secondary prosecutorial unit
  - 6. providing blank indictments; and,
    - a. a contract exists between the Commission and Wentworth Printers for the preparation, printing and distribution of indictments
  - 7. assisting the solicitors in establishing and maintaining a Pretrial Intervention Program in each judicial circuit
    - a. currently, there are thirty (30) programs across the State in the sixteen judicial circuits
    - b. developed the "SC Pretrial Intervention Standards"
    - c. developed the "SC Pretrial Intervention Standardized Procedures"
    - d. Submits and updates the participants' records to State Law Enforcement Division (SLED)
    - e. prepares and provides participant reports to the local PTI Directors
    - f. Criminal History Check on PTI applicants
    - g. coordination with SLED on PTI database and NCIC issues
    - h. management of the State PTI Form
    - i. researches PTI information on behalf of the Offices of the Solicitors.
    - j. Coordinates by-annual Directors' training/meetings
    - k. Research and assist other criminal and juvenile justice agencies as it pertains to PTI
    - l. Continue the coordination for developing a PTI software program with local offices and SLED
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# South Carolina Commission on Prosecution Coordination

## Organizational Chart FY 07/08



# Accountability Report Appropriations/Expenditures Chart

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## Base Budget Expenditures and Appropriations

Major Budget Categories	FY 06-07 Actual Expenditures		FY 07-08 Actual Expenditures		FY 08-09 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$ 2,860,775	\$ 2,796,440	\$ 3,135,946	\$ 3,021,632	\$ 3,227,490	\$ 3,144,768
Other Operating	\$ 283,771	\$ 237,924	\$ 525,250	\$ 378,683	\$ 276,815	\$ 219,741
Special Items	\$ 14,795,890	\$ 8,790,001	\$ 17,078,678	\$ 10,499,401	\$ 16,142,886	\$ 10,136,773
Permanent Improvements						
Case Services						
Distributions to Subdivisions						
Fringe Benefits	\$ 1,318,604	\$ 1,300,258	\$ 1,471,347	\$ 1,433,997	\$ 1,513,204	\$ 1,490,666
Non-recurring						
<b>Total</b>	<b>\$ 19,259,040</b>	<b>\$ 13,124,623</b>	<b>\$ 22,211,221</b>	<b>\$ 15,333,713</b>	<b>\$ 21,160,395</b>	<b>\$ 14,991,948</b>

## Other Expenditures

Sources of Funds	FY 06-07 Actual Expenditures	FY 07-08 Actual Expenditures
Supplemental Bills		
Capital Reserve Funds		
Bonds		

## Major Program Areas

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Program Number and Title	Major Program Area Purpose (Brief)	FY 06-07 Budget Expenditures	FY 07-08 Budget Expenditures	Key Cross References for Financial Results*
0105000 Administration	Judicial Circuits State Support	State: 3,985,600.00 Federal: Other: Total: 3,985,600.00 % of Total Budget: 21%	State: 3,985,600.00 Federal: Other: Total: 3,985,600.00 % of Total Budget: 18%	
0101000 Administration	Personnel Services	State: 2,796,440.00 Federal: 64,335.00 Other: Total: 2,860,775.00 % of Total Budget: 15%	State: 3,021,631.00 Federal: 82,099.00 Other: 32,216.00 Total: 3,135,946.00 % of Total Budget: 14%	
		State: Federal: Other: Total: % of Total Budget:	State: Federal: Other: Total: % of Total Budget:	
		State: Federal: Other: Total: % of Total Budget:	State: Federal: Other: Total: % of Total Budget:	
		State: Federal: Other: Total: % of Total Budget:	State: Federal: Other: Total: % of Total Budget:	

Below: List any programs not included above and show the remainder of expenditures by source of funds.

Remainder of Expenditures:	State:	6,342,581.00	State:	8,326,483.00
	Federal:	49,714.00	Federal:	169,772.00
	Other:	6,020,368.00	Other:	6,593,420.00
	Total:	12,412,663.00	Total:	15,089,675.00
	% of Total Budget:	64%	% of Total Budget:	68%

\* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

## Strategic Planning

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Program Number and Title	Supported Agency Strategic Planning Goal/Objective	Related FY 07-08 Key Agency Action Plan/Initiative(s)	Key Cross References for Performance Measures*
Office of the Solicitor State Appropriations	Judicial Circuits State Support (per capita allocation at a rate of \$0.94); salary/fringe for 16 elected Judicial Circuit Solicitors; expense allowance; salary/fringe for 16 Administrative Assistants (1 per Solicitor); and Richland, Kershaw and Saluda, 12th Judicial Circuit Drug Court Programs, Victim/Witness Assistance Programs, First Judicial Circuit Domestic Violence, CDV Prosecutions, Solicitors Case Management System, DUI Prosecutions.	These activities represent the total flow-thru recurring state dollars allocated to the Office of Solicitor. These activities include the per capita assistance to the Office of Solicitor at a rate of \$0.94, the salary/fringe benefits and expense allowances to the 16 constitutional officers, and 1 state funded administrative assistant to assist the Solicitor as well as state support for the Richland, Kershaw and Saluda County and the 12th Judicial Circuit Drug Court programs, Victim/Witness Assistance Programs, First Judicial Circuit in CDV Prosecutions, and Solicitors Case Management System and DUI Prosecution. The "Judicial Circuits State Support" program is the sole state aid to the sixteen Judicial Circuit Solicitors. These monies are used to fund the Office of the Solicitor in the forty-six counties. This program enables the sixteen Judicial Circuit Solicitors to hire assistant solicitors, investigators and support staff for the prosecution of criminal cases in both General Sessions and Family Court. The "Judicial Circuits State Support" is apportioned among the circuits on a per capita basis.	The South Carolina Court Administration is the State's repository of criminal records for both General Sessions Court and Family Court. Court Administration's year-end reports best describe the activities of the Office of Solicitor as it relates to adult and juvenile prosecutions. In the area of adult criminal prosecution for the fiscal year 2006-2007, the Solicitors of this State disposed of 124,171 General Sessions criminal warrants. In the area of juvenile criminal prosecution for fiscal year 2006-2007, the Solicitors of this State disposed of 16,405 Family Court petitions. South Carolina Court Administration's goal of the disposition of criminal cases within 180 days or less from the date of arrest is a significant factor in all prosecutorial decisions. Currently, 80% of all Family Court petitions are being disposed of within 365 days or less and 80% of all General Sessions warrants are being disposed of within 180 days or less.
Administration	The South Carolina Commission on Prosecution Coordination was created by Sections 1-7-910 through 1-7-1000 to coordinate all activities involving the prosecution of criminal cases in the State. This function provides executive leadership, support, policy development and review, financial services, facilities management, personnel services, communications, training programs, legislative representation, inter-agency coordination and other related administrative services.	<ol style="list-style-type: none"> <li>1. Coordinate all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices;</li> <li>2. Submit the budgets of the Solicitors and their affiliate services to the General Assembly;</li> <li>3. Encourage and develop legal education programs and training programs for Solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving Solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State;</li> <li>4. Provide blank indictments for the Circuit Solicitors; and</li> <li>5. Assist the Solicitors in maintaining a Pretrial Intervention Program in each Judicial Circuit.</li> </ol>	The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators. The number of General Sessions Court and Family Court cases handled by the sixteen (16) Judicial Circuit Solicitors has consistently increased over the past decade. However, there is annually an increasing backlog of cases to be addressed. This increasing backlog is attributable to many factors including mandatory minimum sentences, 2 strikes/3 strikes statutory provisions, the implementation of Constitutional guarantees for victims, as well as increasing scientific and technological advancements in criminology. Without proper recurring funding of the Offices of Solicitor and other criminal and juvenile justice agencies, the backlog will continue to increase and cases will become more stale as they await their dispositional dates. Family & Circuit Court Filing Fees ** See Chart #1
State Office of Pretrial Intervention	Within the Commission is the State Office of Pretrial Intervention whose responsibility is to assist the Solicitor in each judicial circuit in establishing and maintaining a pretrial intervention program. The State Pretrial Intervention Coordinator and such staff which are necessary to assist in the implementation of the provisions of SC Code Sections 17-22-10 through 17-22-170 are within this office.	To enter approximately 11,300 statewide applications per year and the associated accepted/rejected information on each participant; run generation reports weekly; and provide statistical information to the Office of Solicitor upon request.	The State Office of Pretrial Intervention provides statewide training to all pretrial intervention personnel for compliance with the continuing educational requirements promulgated by the Commission. The State Office also provides new hire and software training so as to provide statewide uniformity free of charge. ** See Chart #1
Child Abuse Prosecution Unit	Within the Commission is the Child Abuse Prosecution Unit composed of an experienced attorney who prosecutes cases statewide involving traumatized child victims in rural districts/regions where resources are limited. A Child Victim/Witness Assistance Advocate assists the Child Abuse Attorney Specialist by performing certain duties as mandated by Article 1, Section 24 of the Constitution of South Carolina and SC Code Section 16-3-1505 et seq., "Victim and Witness Service".	While most of the cases are assigned for prosecution, there are those which involve only consultation and advise to the local jurisdictions. The Child Abuse Prosecution Unit also participates in parole hearings on behalf of the victims. Victim services are provided to child victims of physical abuse or sexual assault, adults survivors of sexual assault, and parents or guardians of abuse victims. The Child Abuse Prosecution Unit provides much needed standardized training for law enforcement, judges, prosecutors, victim advocates, health care providers and social service representatives. The Child Abuse Prosecution Unit publishes resource materials, manuals and provides updates on change in the law.	The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators. The number of General Sessions Court and Family Court cases handled by the sixteen (16) Judicial Circuit Solicitors has consistently increased over the past decade. However, there is annually an increasing backlog of cases to be addressed. This increasing backlog is attributable to many factors including mandatory minimum sentences, 2 strikes/3 strikes statutory provisions, the implementation of Constitutional guarantees for victims, as well as increasing scientific and technological advancements in criminology. Without proper recurring funding of the Offices of Solicitor and other criminal and juvenile justice agencies, the backlog will continue to increase and cases will become more stale as they await their dispositional dates. Family & Circuit Court Filing Fees ** See Chart #1
Traffic Safety Resource Prosecution Unit	Within the Commission is the TSRP Unit composed of a TSR Prosecutor and one (1) full-time Administrative Assistant. Currently, this program is being funded by the Department of Transportation, National Highway Traffic and Safety Administration through the SC Department of Public Safety. The goal of the grant is to establish a clearinghouse of DUI related information for prosecutors, law enforcement, judges, and other	The grant provides for training of prosecutors, law enforcement, and summary court judges; newsletter publications; and telephone assistance, legal updates, and public awareness campaigns.	The grant provides for (4) 2-day DUI trainings for prosecutors, law enforcement and summary court judges; (6) 1-day trainings for SC Highway Patrol; (2) 1-day summary court judges training; 4 newsletters; and legal updates. **See Chart # 1

\* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

### **Section III: Category 1: SENIOR LEADERSHIP, GOVERNANCE, AND SOCIAL RESPONSIBILITY:**

The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the SC Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pretrial Intervention Program, a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor. The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State.

There is created a permanent Executive Committee of the South Carolina Commission on Prosecution Coordination which is composed of the five Judicial Circuit Solicitors appointed by the Governor pursuant to SC Code Section 1-7-920(6) whose duties shall include the development and implementation of policies for a SCCPC Personnel Plan which shall include: establishment of policies and procedures for the employment and separation of employees; establishment of guidelines for the effective management and supervision of employees; and review staff requirements and needs of the Commission and Solicitors.

The sixteen (16) Judicial Circuit Solicitors represent the various judicial circuits as established by law. There is one solicitor for each judicial circuit, to be elected by the qualified electors of the circuit, who holds his office for the term of four years. A solicitor must be licensed to practice law by the South Carolina Bar at the time of his election and throughout his term. The Solicitors of this State are full-time employees of the State of South Carolina. The Solicitors are officers of the Executive Department of this State. On behalf of the State, the Circuit Solicitor's office prosecutes trial-level criminal cases and handles juvenile matters. The Solicitor attends the courts of General Sessions for their respective circuits. Preparation of the dockets for General Sessions Court is exclusively vested in the circuit solicitor and the solicitors determine the order in which the cases on the docket are called for trial. Their legal authorization is established in the Constitution of South Carolina, Article V, Section 20, and the Code of Laws of South Carolina, Title 1, Section 1-7-310 (1977), establishes the position of Circuit Solicitor.

#### **Category 2: STRATEGIC PLANNING**

The SCCPC meets on a regular basis to address the coordination of all activities involving the prosecution of criminal cases in this State. The Commission serves to coordinate all administrative functions of the offices of the solicitor and any affiliate services operating in conjunction with the Solicitor's office. The Commission promulgates those regulations necessary to assist it in performing its required duties.

The Executive Committee of the SCCPC meets on a regular basis to develop and implement a personnel plan and to address any specific personnel request that relate to hiring, separation and related matters regarding its employees.

The Judicial Circuit Solicitors serve as the Agency Head for any Commission employee working directly under his supervision.

On behalf of the State, the Solicitor coordinates the prosecution of trial-level criminal cases and handles juvenile matters in the Judicial Circuit. State appropriations are provided to the Office of Solicitor for these specific purposes.

Proviso 33.3 of the General Appropriations Act provides that the amount appropriated and authorized in this section for Judicial Circuits (16) State Support may, upon approval of the Commission, be used to fund necessary administrative and personnel costs of the Commission and other expenditures approved by the Commission, not to exceed 5% of the appropriation, and the balance thereafter remaining shall be apportioned among the circuits on a per capita basis and based upon the official census of 1990. Payment shall be made as soon after the beginning of the first and third quarter as practical.

### **Category 3: CUSTOMER AND MARKET FOCUS**

The Commission serves the Offices of the sixteen (16) Judicial Circuit Solicitors and any affiliate services operating in conjunction with the Solicitors' offices. Currently, those affiliate services are as follows: Pretrial Intervention programs, Victim/Witness Assistance programs, Investigator programs; Drug Treatment Courts, and Juvenile Arbitration programs.

### **Category 4: MEASUREMENT, ANALYSIS AND KNOWLEDGE MANAGEMENT**

The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy solicitors and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention programs representing the forty-six (46) counties of this state, and those Solicitors-based investigators.

The Commission is providing statistical data in five (6) areas: Information Technology/Accountability Coordinator, Child Abuse Prosecution, State Office of Pretrial Intervention, State Victim/Witness Assistance Coordinator, Education Coordinator, and Traffic Safety Resource Prosecution.

1. Information Technology/Accountability Coordinator: The SC Commission on Prosecution Coordination recognizes South Carolina's need for the collection of data regarding criminal and juvenile data. The information is being gleaned statewide and the information is being collected on various programs within the Office of Solicitor. Statistical and financial information is outlined in state law and reports are required 60 days following the close of the fiscal year. Quarterly and annual reports are required for the Criminal Domestic Violence Prosecution (Proviso 46.9) and DUI Prosecution (Proviso 46.10). The quarterly reports for these programs as well as the case tracking documents are maintained by the ITAC. Victim/Witness Assistance annual reports for SOVA are distributed, collected, and forwarded to the appropriate representatives by the ITAC and/or Administrative Assistant to the Commission. Drug Treatment Court Program information is maintained by the ITAC as well as the contact information for the Education, Intervention, and Support Services within the Office of the Solicitor (Alcohol Education Program, Expungements, Drug Treatment Court Program, Juvenile Arbitration, Pretrial Intervention, and Worthless Check Units). This year the Commission actively worked with committee members to develop, distribute, and collect information on the Prosecutor and Defender Public Service Incentive Program. This

program provides funding for assistant solicitors who have three years of employment with in the Office of the Solicitor, and have acquired outstanding student loans for attending law school. The ITAC maintains the reports for Prosecutor and Defender Public Service Incentive Program which are due to the General Assembly by September 1 of each year. The Commission's website is maintain by the ITAC.

2. Child Abuse Prosecution Unit: Within the Commission is the Child Abuse Prosecution Unit composed of an experienced attorney who prosecutes cases involving traumatized child victims in rural districts/regions where resources are limited. A Child Victim/Witness Assistance Advocate (part-time) assists the Child Abuse Attorney Specialist by performing certain duties.

#### **Case Statistics:**

Preparation and/or Assessment of Cases for Trial		28
- Pled Guilty	13	
- No Guilty	1	
- Nolle Prossed in Consideration of a guilty plea to other charges	6	
- Referred to Juvenile Arbitration	1	
- Judicial Dismissal following a Merits Hearing	1	
- Administratively Dismissed	2	
- Continued by the Court for Trial	2	
- Successfully resolved through guilty please after the date of 6/30/08	2	
Cases for Consultation	20	
Parole Hearings	0	

#### **Victim Services (Richland, Sumter, Chesterfield, Darlington, Marlboro, Greenwood, Spartanburg and Florence (counties)):**

Child Victims of Physical Abuse or Sexual Assault	28
Parents or Guardians of Abuse Victims	<u>27</u>
<b>Total:</b>	<b>55</b>

The jury trial of State v. Williams Ricky Welch in Sumter County has served as a precedent setting case. It is the first trial in South Carolina to prosecute an offender pursuant to SC Code Section 16-3-655(A)(2) of Jessie's Law, which allows evidence of a prior conviction to be admitted as an element of proof in a criminal sexual conduct – first degree case. The precedent established through this case should aid in the successful utilization of the new statute across the state.

During the time period of July 1, 2007 – June 30, 2008, the Child Abuse Prosecution Unit continued to conduct meetings with victims in additional cases which are currently in the process of being evaluated and scheduled for trial. Further, court hearings as part of the pre-trial or post-trial judicial process have accounted for additional appearances in 5 cases, with direct services provided to 7 primary victims and 8 secondary victims.

#### **Training Presentations:**

Lecturer and Program Coordinator, September 26, 2007: Sexual Assault and Child Abuse Prosecutions at the S.C. Solicitors' Association Conference, Myrtle Beach, S.C.



Lecturer, February 11, 2008: Prosecution of Child Abuse at the Multi-disciplinary Child Abuse Investigation Team Training, Columbia, S.C.

Lecturer and Program Coordinator, June 26, 2007: Prosecuting Adult and Child Sexual Assault Cases, Columbia, S.C.

**Publications:**

*Sexual Assault and Child Abuse Prosecutions - Trial Notebook*, published September 2007

*Prosecuting Adult and Child Sexual Assault Cases - Training Manual*, published June 2008

3. State Office of Pretrial Intervention: Within the Commission is the State Office of Pretrial Intervention whose responsibility is to assist the Solicitor in each judicial circuit in establishing and maintaining a pretrial intervention program. The State Pretrial Intervention Coordinator and such staff which are necessary to assist in the implementation of the provisions of SC Code Sections 17-22-10 through 17-22-170 are within this office.

**(1) FY 2007/08 Case Volume and Information:**

Applications	13,989
Accepted	11,500
Pending Acceptance	1,409
Rejected	1,637
Pending Completion	4,310
Successfully Completed	8,957
Unsuccessfully Completed	2,342

Total Community Service Hours	1,213,339
Total Restitution Paid to Victims	\$1,275,399.21
Total Cases with Restitution	11,244

Number of Applications of Magistrate Cases	3,852
Number of Applications of General Sessions Cases	4,820
Number of Applications of General Sessions Cases	5,485

**(2) Training and Resource Materials:**

SCAPTI Fall Conference (*coordination*)

September 2007

2008 SC Solicitors' Association Spring Conference

February 2008

- Pretrial Intervention Coordinators
- Alcohol Education Program Coordinators
- Juvenile Arbitration Coordinators
- Drug Treatment Court Coordinators

2007 Directory of Education, Intervention and Support  
Services within the Office of the Solicitor

June 2008

PTI Software Interface (SLED and Spartan)

FY 2007/08

PTI Director's Meetings

December 2007

March 2008

June 2008

**(3) Program Development:**

Alcohol Education Program

Traffic Education Program

4. Traffic Safety Resource Prosecution: Within the Commission is the TSRP Unit composed of a Traffic Safety Resource Prosecutor and one (1) full-time Support Secretary. Currently, this program is being funded by the Department of Transportation, National Highway Traffic and Safety Administration through the SC Department of Public Safety. The goal of the grant is to establish a clearinghouse of DUI related information for prosecutors, law enforcement, judges, and other entities to enhance the effective prosecution of DUI cases.

**(1) Publications**

Behind the Wheel (TSRP Newsletter) Volume 7, Issue 1 (released January 17, 2007)

Behind the Wheel (TSRP Newsletter) Volume 7, Issue 2 (released March 29, 2007)

Behind the Wheel (TSRP Newsletter) Volume 7, Issue 3 (released July 27, 2007)

**(2) Agency Sponsored Trainings**

Highway Patrol Training

Date: April 10, 2007

Attendees: 56 Troopers

Date: April 11, 2007

Attendees: 46 Troopers

Date: April 17, 2007

Attendees: 28 Troopers

Date: April 18, 2007

Attendees: 24 Troopers

Date: April 24, 2007

Attendees: 43 Troopers

Date: April 25, 2007

Attendees: 41 Troopers

ABCs of DUI- Critical Topics in DUI Prosecutions

Date: May 16-17, 2007 Attendees: 17 judges, 25 law enforcement officers, 3 prosecutors

Date: June 18-19, 2007 Attendees: 15 judges, 34 law enforcement officers, 9 prosecutors

Date: July 23-24, 2007 Attendees: 12 judges, 11 law enforcement officers, 9 prosecutors

Date: August 23-24, 2007 Attendees: 13 judges, 31 law enforcement officers, 3 prosecutors

2007 Southeastern Accident Reconstruction Conference

Dates: July 23-26, 2007 Attendees: 47 law enforcement officers

2007 Magistrate Advisory Council Intensive Training

Date: August 20-21, 2007 Attendees: 47 judges

(3) TSRP Speaking Engagements/Topics/Attendees

New Magistrate and Municipal Judge Training (Columbia)

Topic: Driving Under the Influence: The State's Perspective Date: March 29, 2007

Attendees: 25 magistrate and municipal judges

Magistrate/Municipal Judge Training

Topic: DUI 101 Date: July 9, 2007 Attendees: 60 magistrate and municipal judges

14<sup>th</sup> Circuit LEN DUI Detection and SFST School

Topic: SFSTs and the Law Date: 7/11/2007 Attendees: 18 law enforcement officers

(4) Any other relevant measures for the DUI unit of the SCCPC

LEN Meetings

14<sup>th</sup> Circuit LEN (Beaufort) (2/27, 2007)

3<sup>rd</sup> Circuit LEN (Sumter) (3/14/2007)

1<sup>st</sup> Circuit LEN (St. Matthews) (6/26/2007)

5<sup>th</sup> Circuit LEN (Columbia) (6/27/2007, 7/27/2007)

11<sup>th</sup> Circuit LEN (Batesburg-Leesville) (7/18/2007)

5. Education Coordinator: Within the Commission there is a Education Coordinator whose primary responsibility is to provide resources to the prosecutors of South Carolina. The Education Coordinator is to coordinate and develop legal education programs and training programs for Solicitors and their affiliate services; to provide legal updates as it relates to the Office of Solicitor; and to aid the Solicitors in addressing the burgeoning caseloads in the state. The following measureable performance apply:

Training Programs:

<b>Title of Training Program</b>	<b>Sponsor/Cosponsor</b>	<b>Date(s)</b>	<b>Location</b>	<b>Attendees</b>
2007 Criminal Domestic Violence Training	co-sponsor	August 29, 2007	McCormick, South Carolina	Prosecutors/Judges/Law Enforcement
2007 South Carolina Solicitors' Association Fall Conference	co-sponsor	September 23-27, 2007	Myrtle Beach, South Carolina	Prosecutors/Investigators/Victim-Witness Assistance Advocates/PTI/JAP
2008 South Carolina Solicitors' Association Spring	co-sponsor	February 20-22, 2008	Myrtle Beach, South	PTI/Drug Court/JAP/AEP Coordinators and Victim-Witness Assistance

Conference			Carolina	
Prosecuting Adult and Child Sexual Assault Cases	co-sponsor	June 26, 2008	Columbia, South Carolina	Prosecutors/Investigators/Law Enforcement

Training Presentations:

<b>Title of Training Program</b>	<b>Topic of Presentation</b>	<b>Date(s)</b>	<b>Location</b>	<b>Attendees</b>
Prosecuting the Impaired Driver	Ethics and Professionalism	March 28, 2008	Myrtle Beach, South Carolina	Prosecutors/Judges/Law Enforcement
Prosecuting the Impaired Driver	Constitutional Evidentiary Issues	March 28, 2008	Myrtle Beach, South Carolina	Prosecutors/Judges/Law Enforcement
Prosecuting the Impaired Driver	Constitutional Evidentiary Issues	April 1, 2008	North Charleston, South Carolina	Law Enforcement
Prosecuting the Impaired Driver	Constitutional Evidentiary Issues	April 2, 2008	Florence, South Carolina	Law Enforcement
Prosecuting the Impaired Driver	Constitutional Evidentiary Issues	April 15, 2008	Taylors, South Carolina	Law Enforcement
Prosecuting the Impaired Driver	Constitutional Evidentiary Issues	April 16, 2008	Taylors, South Carolina	Law Enforcement
Prosecuting the Impaired Driver	Constitutional Evidentiary Issues	April 29, 2008	Columbia, South Carolina	Law Enforcement
Prosecuting the Impaired Driver	Constitutional Evidentiary Issues	April 30, 2008	Columbia, South Carolina	Law Enforcement
Thirteenth Circuit Solicitor's Office Pawley's Island Retreat	Search & Seizure Law Overview and Update with a Look at Issues Peculiar to Computer Searches	May 11, 2008	Pawley's Island, South Carolina	Prosecutors/Law Enforcement
Prosecuting the Impaired Driver	Ethics and Professionalism	May 16, 2008	Spartanburg, South Carolina	Prosecutors/Judges/Law Enforcement
Prosecuting the	Constitutional	May	Spartanburg,	Prosecutors/Judges/Law

Impaired Driver	Evidentiary Issues	16, 2008	South Carolina	Enforcement
Prosecuting the Impaired Driver	Ethics and Professionalism	June 20, 2008	Columbia, South Carolina	Prosecutors/Judges/Law Enforcement
Prosecuting the Impaired Driver	Constitutional Evidentiary Issues	June 20, 2008	Columbia, South Carolina	Prosecutors/Judges/Law Enforcement
Prosecuting Adult and Child Sexual Assault Cases	Case Law Update: Recent Case Decisions	June 26, 2008	Columbia, South Carolina	Prosecutors/Investigators/Law Enforcement

### **Publications:**

The Education Coordinator created and published two newsletters:

- Six (6) issue of *The Prosecution Reporter*, a monthly newsletter containing summaries and excerpts from the published opinions issued the previous month by the South Carolina appellate courts and the United States Supreme Court (criminal and other opinions of interest to prosecutors) were published.

- One (1) issue of *The Higher Standard*, a quarterly newsletter focusing on advocacy, investigative, legal, and prosecution issues and trends was published

### **Resource Materials:**

The Education Coordinator is updating *The Prosecution Deskbook*, a reference manual for the Office of Solicitor. A topical index of relevant South Carolina appellate opinions (published) from September 1, 2007 is being compiled.

### **Consultation(s):**

The Education Coordinator has provided consultations and assistance to the Office of Solicitor on issues related to the prosecution function and substantive criminal law, prosecution duties, media relations, ethics, criminal procedure, statutory interpretation, evidence, constitutional law, and advocacy.

The Education Coordinator has also provided assistance to the Office of Solicitor in researching and writing *amicus curiae* pleadings in a capital case, to the Solicitors in addressing proposed changes to the South Carolina Rules of Evidence and Rules of Criminal Procedure, and to prosecutors in conflicts case.

6. State Victim/Witness Assistance Coordinator: (Vacant) Within the Commission there is a State Victim/Witness Assistance Coordinator whose primary responsibility is to coordinate the functions of the Victim/Witness Assistance Programs in the Office of Solicitor.

(1) Training and Resource Materials:

July 2007 – SC Commission on Prosecution Coordination Victim/Witness  
Assistance Advocates Directory

September 2007  
February 2008

“Fall Conference”  
“Spring Conference”

### **Category 5: WORKFORCE FOCUS**

The Commission encourages and develops legal education programs and training programs for solicitors and their affiliate services, organizes and provides seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and acts as a clearinghouse and distribution source for publications involving the solicitors and their affiliate services and provides legal updates on matters of law affecting the prosecution of cases in this State.

The Commission surveys the various Solicitors’ offices and affiliate services to ascertain the need for future various training components as well as the skill level. Each Agency Head is responsible for the submission of an annual employee performance evaluation. These evaluations are utilized to determine the criteria for future training programs throughout the various affiliate services.

### **Category 6: PROCESS MANAGEMENT**

The Commission provides blank indictments for the Judicial Circuit Solicitors. Currently, the Commission is in the final phases of providing an electronic process for developing General Sessions Court indictments and Family Court petitions in a prosecutorial-based case management system. The prosecutorial-based case management system will also allow the sharing of criminal and juvenile justice information among the various Solicitors’ offices. In addition, the Commission is constructing a website to improve the communication of information relating to the various Solicitors’ offices and their affiliate services.

### **Category 7: RESULTS**

The South Carolina Commission on Prosecution Coordination’s primary purpose is the coordination of activities involving the prosecution of criminal cases in this State. The South Carolina Court Administration is the State’s repository of criminal records for both General Sessions Court and Family Court. Court Administration’s year-end reports best describe the activities of the Office of Solicitor as it relates to adult and juvenile prosecutions. In the area of adult criminal prosecution, please consider the following: In FY 2006-2007, the Solicitors of this State disposed of 124,171 in General Sessions Court. During FY 2005-06, they disposed of 132,732. In the area of juvenile criminal prosecution, please consider the following: In FY 2006-2007, the Solicitors of this State disposed of 16,405 Family Court petitions. During FY 2005-06, they disposed of 19,195.

South Carolina Court Administration’s goal of the disposition of criminal cases within 180 days from the date of arrest is a significant factor in all prosecutorial decisions as

well as Family Court petitions are being disposed of within 365 days or less. The number of General Sessions Court and Family Court cases handled by the sixteen (16) Judicial Circuit Solicitors has dropped during FY 2006/07 due passage of certain Without proper funding of the Offices of Solicitor and other criminal and juvenile justice agencies, the backlog will continue to increase and cases will become more stale as they await their dispositional dates.